

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES
September 9, 2008**

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at The Idaho Real Estate Commission, on Tuesday, September 9, 2008 at 8:30 a.m.

Commission Members Present:

Andy Enrico, Chair, Boise
Kelly Fisher, Vice Chair, Pocatello
Pam Trees, Member, Lewiston
Marvis Brice, Member, Burley
Comprising a quorum of the Commission

Members Absent:

Staff Present:

Jeanne Jackson-Heim, Executive Director
Craig Boyack, Chief Investigator
Don Morse, Investigator
Tammy Anderson, Administrative Assistant
Neal Bernklau, Licensing Supervisor

Others Present:

Kim Coster, Commission Legal Counsel
See attached list

Meeting was called to order at 8:30 a.m. by Commission Chair, Andy Enrico.

Introductions:

- a. Commissioners.
- b. Staff

Approval of Meeting Minutes: Motion was made by Pam Trees to approve the August 13, 2008 Commission meeting minutes. Motion carried.

Staff Reports:

The following reports were presented for members' review; copies of which are on file at the Commission office:

- **August 2008 Financial Report**
- **Salesperson and Broker Licenses issued, August 2008**
- **Examination Statistics**
- **Complaint Summary Report**
- **Audit Summary Report**
- **Enforcement Telephone Activity Log**
- **Education Funds Awards**
- **FY08-FY09 Analysis of Active & Inactive License Base**
- **On-Line Renewal Report**
- **Information and Technology Reports**

Online Lottery Drawing: Sandra Clancy (AB21148), from Silverhawk Realty LLC, Caldwell, won the lottery drawing for September 9, 2008.

Executive Director's Report:

- **Commission Orientation Manual:** Jeanne Jackson-Heim offered an updated Orientation manual to each Commissioner as a resource for them to use.
- **Review FY 2010 Budget Request:** Jeanne explained the process for budget request and timelines. Jeanne also went over the capital items that IREC has requested for fiscal year 2010. Items included computer equipment, new and additional chairs, a new table for meeting room and a vehicle for the staff Auditor. Discussion followed.

Education Council and Director's Report:

- **Update on Module 1 and Module 2:** Jeanne stated that both modules have been sent out and IREC has asked for feedback on them for any corrections that may need to be done.
- **Update on BCOO:** BCOO has been reviewed and is being piloted this month. Once the pilot has been completed we will take feedback on the BCOO.
- **Update on Broker Management:** IREC will reconvene on the broker management.

Enforcement:

Voluntary License Surrender: Was reviewed.

Case of Staff vs. Kevin Robinson (Ex-Parte). This hearing was tape-recorded and was presented ex parte by Investigator, Don Morse. Following that presentation, motion was made by Kelly Fisher to accept without exception the parties' Stipulation and, as provided in that Stipulation, to issue a "Final Order" against Mr. Robinson for having violated the following statutes: Idaho Code Section 54-2002- the unlicensed practice of real estate, as defined by Idaho Code Section 54-2004(32)(a) and (c) and that the discipline be imposed as follows:

1.) That Kevin Robinson pay a civil fine in the amount of Three Thousand Dollars (\$3,000.00), which shall be due and payable as follows: The first payment of One Thousand Dollars (\$1,000.00) by October 15, 2008; the second One Thousand Dollars (\$1,000.00) payment is due by November 15, 2008; and the final One Thousand Dollars (\$1,000.00) payment is due by December 15, 2008.

2.) That Kevin Robinson pay the cost and attorney's fees incurred in the investigation/prosecution of this matter in the amount of Three Hundred Dollars (\$300.00) by October 15, 2008.

3.) That Kevin Robinson agrees to execute a Promissory Note in the form attached to the Stipulation as Exhibit "A", setting forth Kevin Robinson's payment obligations as provided in the Stipulation. Further, in the event that Mr. Robinson fails to make a payment as required by this Order on its due date, then all sums remaining unpaid shall at once become due and payable. That Mr. Robinson consents to the filing of a legal action to enforce the remaining amounts due under the Stipulation and Promissory Note, and Mr. Robinson agrees to stipulate to a Judgment in such legal proceeding for all remaining amounts due the Idaho Real Estate Commission by Mr. Robinson. Any Failure to exercise said option shall not constitute a waiver of the right to exercise the same option at some other time.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

ARELLO's Timer Share Registry: Craig Boyack stated that the enforcement department has started using ARELLO's Time Share Registry. The time and space it saves and ease of use is wonderful. Jeanne stated she has been asked to give a presentation on the Time Share Registry at the ARELLO Conference this October.

ARELLO Investigator workshop: Craig Boyack and Don Morse shared with Commissioners what they gleaned from the ARELLO Investigator Workshop they attended last week. They stated they felt they received valuable information regarding agencies cooperating with one another and sharing of information. They also were impressed with the presentations and overall felt they came back with information that will help them with their jobs here at IREC. Discussion followed.

Broker Task Force:

- There was a discussion concerning the new laws being established regarding sharing information with other agencies. The thought is that this may restrict the right to share information further then it already is. Kim Coster interjected that the Public Records Act specifically covers what can and can not be shared. Kim also stated that "Friendly" subpoena's can be used if information is part of an investigation that is not public. Discussion followed. It was stated that the Broker Task Force would support giving information to Department of Insurance and Department of Finance.
- There was a discussion about permanent license revocations and the five year limit on them. Discussion followed.
- The Broker Task Force is working on purposing some legislative changes on how trust accounts are maintained and accounted for. Discussion followed.

Executive Session: In accordance with section 67-2345 (1)(d) & (f), Idaho Code, a motion was made by Pam Trees to adjourn to executive session to review probable cause memoranda submitted pursuant to Section 54-2058(1), Idaho Code. Motion carried. Members reviewed probable cause memoranda.

Regular Session: There being no further purpose for an executive session, a motion was made by Kelly Fisher to adjourn the executive session. Motion carried.

Probable Cause Memo # 08-08700 A motion was made by Kelly Fisher finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo # 08-35300 A motion was made by Pam Trees finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Special Consideration #08-025 Exemption For Review 54-2012(1)(f). Following discussion and review of the documents submitted, motion was made by Pam Trees to grant request for exemption. Motion carried.

Special Consideration #08-026 Waive/Modify Broker Experience 54-2012(2)(a) Following discussion and review of the documents submitted, motion was made by Pam Trees to grant the request as a limited broker. Motion carried.

Special Consideration #08-027 Waive/Modify Broker Experience 54-2012(2)(a) Following discussion and review of the documents submitted, motion was made by Kelly Fisher to grant the request. Motion carried.

Executive Session Personnel Matters: In accordance with section 67-2345 (1)(b), Idaho Code, a motion was made by Kelly Fisher to adjourn to executive session to review personnel issues. Motion carried.

Regular Session: There being no further purpose for an executive session, a motion was made by Marvis Brice to adjourn the executive session. Motion carried.

There being no further business, motion was made by Pam Trees to adjourn the meeting at 11:23a.m. Motion carried.

Respectfully Submitted,

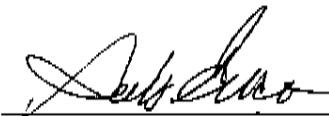


Jeanne Jackson-Heim
Executive Director

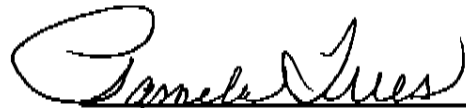
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Attachments: Licenses Issued August 2008
FY08-FY09 Analysis of Active & Inactive License Base
Online License Reports
Complaint Summary Report
August 2008, Financial Reports
Information and Technology Reports

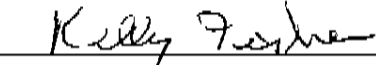
Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho, on September 9, 2008, are hereby approved.



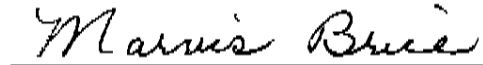
Andy Enrico, Chair



Pam Trees, Member



Kelly Fisher, Vice Chair



Marvis Brice, Member